

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
NORTHWESTERN DIVISION**

United States of America,	)	
	)	
Plaintiff,	)	<b>INTERSTATE AGREEMENT ON</b>
	)	<b>DETAINERS ORDER</b>
vs.	)	
	)	Case No. 4:06-cr-031
David William Koapke,	)	
	)	
Defendant.	)	

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On April 13, 2006, the defendant appeared for his initial appearance and arraignment. Appearng on behalf of the United States was Assistant United States Attorney Scott Schneider. Federal Public Defender Orell Schmitz was appointed as defense counsel and appeared on the defendant's behalf

Prior to his initial appearance, the defendant was incarcerated by the State of North Dakota at the North Dakota State Penitentiary. After the Indictment in this case was returned and an arrest warrant issued, a detainer was filed by the United States with the North Dakota prison officials. Pursuant to the Interstate Agreement on Detainers Act ("IADA"), the defendant's appearance before this court for his initial appearance and arraignment was secured by a writ of habeas corpus *ad prosequendum*.

During the hearing, the defendant's rights under the IADA to continued federal custody until the charges set forth in the Indictment are adjudicated were explained to him. Defendant knowingly, voluntarily, and upon advice of counsel waived the anti-shuttling provisions of the IADA and stipulated to his continued housing by the State of North Dakota (the "sending state" under the

IADA) at the North Dakota State Penitentiary pending trial of the charges on the Indictment by the United States (the “receiving state” under the IADA). .

Based on the defendant’s waiver of the anti-shuttling provisions of the IADA, **IT IS HEREBY ORDERED** that the defendant be housed in the “sending state” under the IADA, at the North Dakota State Penitentiary pending trial of this matter or until further order of the court. Further, pursuant to defendant’s waiver and stipulation, the return of defendant to his place of incarceration pending trial shall not be grounds under the IADA for dismissal of the charges set forth in the Indictment.

Dated this 13<sup>th</sup> day of April, 2006.

/s/ Charles S. Miller, Jr.  
Charles S. Miller, Jr.  
United States Magistrate Judge